

REMARKS

Status of Claims:

By way of the instant amendment, claim 18 has been cancelled. Thus, claims 1-17 and 19-22 remain for examination.

Rejections under Sec. 112:

Claims 8, 10-12, 15 and 16 stand rejected under 35 U.S.C. 112, second paragraph. By way of the instant amendment, applicant has amended the claims in order to remove each of the various bases for claim rejection set forth in paragraph 2 of the outstanding office action. Many claim rejections were based on the inadvertent dependency of original claim 10 on original claim 7. Claim 10 has now been made dependent on claim 8 providing much antecedent bases in connection with the numerous rejection set forth in paragraph 2. Further, claims 11 and 12 are now also made dependent on claim 8 thus removing most of the remaining grounds of rejection. Additional amendments have been made to remove other grounds of rejection.

It is submitted that all of applicants claims fully comply with the provisions of 35 U.S.C. 112.

Rejections Over the Prior Art:

Claims 5 and 7 stand rejected under 35 USC 102(a) as being unpatentable over Tidermann (6108372). Further, claims 1-4 stand rejected under 35 USC 103 as unpatentable over Tidermann in view of Toskala (6480554). Finally, claim 18 stands rejected under 35 USC 103 as unpatentable over Tidermann. The examiner has indicated that claims 6, 8-17 and 19-22 contain allowable subject matter.

The examiner's rejections are restfully traversed.

Applicant's invention is directed to the feature of predicting a next frame rate of a baseband reception signal in consideration of a delay time between the baseband reception signal and a frame rate signal (see page 16, lines 8 to 5 from the bottom). Specifically, the present invention statistically processes preceding frame rates in previously received frames determined on the basis of a time difference between a processing time and an additional delay time and predicts a later frame rate in a next frame determined on the basis of the same time difference, as mentioned in the original claim 12 and on page 16, line 5 from the bottom to page 17, line 4, and in connection with Fig. 7. The statistical processing and predicting

the later frame rate is executed in relation to the later frame determined in dependency on the processing time and the delay time in a wireless communication device. In other words, the delay time needed in the wireless communication device is considered in the present invention.

More particularly, the first relationship mentioned in claim 12 specifically stands for a relationship of frame rates among the previous frames, such as $x+3$, $x+2$, and a first frame 1, as illustrated in Fig. 7 and described on page 18, line 2 from the bottom to page 19, line 5, and on page 25, lines 16 to 22. The first relationship has already been determined in connection with the previous frames and the first frame. On the other hand, the second relationship stands for a relationship of frame rates among the first frame (1), the second frame (2), and a next frame ($-x$), as illustrated in Fig. 7 and mentioned on page 25, lines 16 to 22. Herein, it is to be noted that a next or latest frame rate of the next frame ($-x$) is predicted from the first and the second frames (1) and (2) and that the second relationship serves to predict or estimate the next frame rate by the use of the first and the second frames (1) and (2).

Tidemann teaches a method of predicting a frame rate in a selected one of frames that follows a reference frame with a reference frame rate and statistically processing the reference frame rate and a previous frame rate of a previous frame, as pointed out by the Examiner. However, no teaching is made at all about selecting the previous frame in consideration of a time difference between a processing time and a delay time both of which are determined in the wireless communication device. Stated otherwise, no consideration is made in Tidemann about a delay time needed in the wireless communication device.

All of applicant's independent claims already recite or have now been amended to expressly recite the processing time and/or delay time as discussed above. For example, independent claim 1 recites, in part:

. . . the reception signal sequence being processed with a processing time and a delay time in the wireless communication device, . . .

. . . the previously received frames being determined on the basis of a time difference between the processing time and the delay time. . .

. . . the next frame being determined with reference to the time difference between the processing time and the delay time.

Applicant's dependent claims are deemed to be patentable at least by virtue of their dependence upon the independent claims from which they depend.

Since the prior art reference fail to teach the limitations of the processing time or the delay time, in relation to the other recited limitations of the claims, it is submitted that Tnermann taken alone can not make out a case of anticipation under Sec. 102 and that Tidermann taken in view of Toskala do not make out a *prima facie* case of obviousness under the provisions of Sec. 103.

The examiner has indicated that claim 19-22 contain allowable subject matter. Claim 19 has been written in independent form by incorporating therein the limitations of claim 18, and claim 18 has been cancelled. Thus, it is submitted that claim 19 is allowable. Claim 20-22 depend directly or indirectly upon claim 19 and are thus likewise deemed allowable.

Conclusion:

In view of the amendments made hereto it is submitted that the application is now in condition for allowance and an early indication the same as earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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